



\$ DAC #29

1

**PATENT  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

<b>APPELLANT(S):</b> William P. Newton, Robert M. Lucci, and Thomas F. Batten	
<b>APPLN. NO:</b> 08/839,161	<b>EXAMINER:</b> C. Cohen
<b>FILED:</b> 22 April 1997	<b>ART UNIT:</b> 3634
<b>TITLE:</b> SUPPORT SYSTEM FOR Laterally Removable SASH	

**PETITION TO REVIVE**

**Petition for Revival of an Application for Patent Abandoned  
Unintentionally Under 37 CFR 1.137(b)**

Attention: Office of Petitions  
Assistant Commissioner for Patents  
BOX DAC  
Washington, D.C. 20231

**RECEIVED**

AUG 07 2001

OFFICE OF PETITIONS

Dear Sir:

The above-identified application became abandoned on 21 March 2001 for failure to file a timely and proper reply to a notice or action by the U.S. Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtainable.

**APPELLANTS HEREBY PETITION FOR REVIVAL OF THIS  
APPLICATION**

1. A check in the amount of \$1240 for this Petition fee is enclosed.
2. A substitute Appeal Brief is attached.
3. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable Petition under 37 CFR 1.137(b) was unintentional.

4. The delay occurred during a Petition from a requirement that appellants' attorney believed to fall outside the rules of practice. Rather than meeting a requirement deemed unnecessary, appellants promptly petitioned and promptly responded at each stage of the petition process. This eventually elucidated otherwise unexpressed requirements that the PTO has construed for a rule of practice, thereby allowing appellants' attorney to meet the construed requirements. This also has been done promptly by means of an addition to a substitute Brief filed with this Petition as the required reply.

For any question, the Examiner is invited to call appellants' attorney at the number listed below.

**RECEIVED**

AUG 07 2001

Respectfully submitted,  
EUGENE STEPHENS & ASSOCIATES

*E. S. Stephens*  
Eugene S. Stephens, Reg. No. 20,649  
56 Windsor Street  
Rochester, New York 14605  
Phone: (716) 232-7700  
Facsimile: (716) 232-7188

ESS:cba

Enclosures

Dated: AUG 03 2001

OFFICE OF PETITIONS

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited on the date shown below with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C., 20231.

Date of Deposit: **AUG 03 2001**Signature: *LB Austin*